

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HAROLD PORTER AND WILLA PORTER  
D/B/A MEADOWLAND VILLAGE

COMPLAINANTS

v.

WESTERN MASON COUNTY WATER  
DISTRICT

DEFENDANT

CASE NO. 94-199

ORDER TO SATISFY OR ANSWER

Western Mason County Water District ("Western Mason") is hereby notified that it has been named as defendant in a formal complaint filed on May 16, 1994, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Western Mason is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 26th day of May, 1994.

ATTEST:

Don Mills  
Executive Director

PUBLIC SERVICE COMMISSION

Robert M. Davis  
Chairman

Robert M. Davis  
Vice Chairman

Linda K. Brearley  
Commissioner

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

MAY 16 1994

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Harold Porter and Willa Porter  
dba Meadowland Village

(Your Full Name)

COMPLAINANT

VS.

Western Mason County Water District

(Name of Utility)

DEFENDANT

94-199

C O M P L A I N T

The complaint of Harold Porter and Willa Porter respectfully shows:  
(Your Full Name)

(a) Harold Porter and Willa H. Porter  
(Your Full Name)  
117 Crest Avenue  
Flemingsburg, Kentucky 41041  
(Your Address)

(b) Western Mason County Water District  
(Name of Utility)  
Box 49  
Dover, Kentucky 41034  
(Address of Utility)

(c) That: Western Mason County Water District is failing to  
(Describe here, attaching additional sheets if

cooperate with the complainants for the following factual  
necessary, the specific act, fully and clearly, or facts

reasons: (1) Harold and Willa Porter have secured the  
that are the reason and basis for the complaint.)

services of a project engineer and have laid out for

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Formal Complaint

Harold and Willa Porter vs Western Mason County Water District  
(Your Name) (Utility Name)

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development approximately 40 acre tract of land owned by them at the intersection of Kentucky 435, Slack Pike, and one-fourth mile from Kentucky Highway 546 in the Highland Heights community area of Mason County, which is approximately 2.9 miles from the city limits of Maysville, Kentucky by way of Ky. 456 and Slack Pike and passes through an industrial area that employs approximately 1,000 people, with additional spec buildings available for immediate occupancy by leasing or by purchase.

(2) The Complainants state that with the assistance of their project engineers they have laid out a mobile home park to provide spaces for 106 lots, pads, facilities with proposed utilities for water, sewage, gas, electric, and telephone and TV cable; complainants state that they are initially planning to immediately develop spots or slots for 36 mobile homes and that as soon as it appears that they will be filled, they propose to go ahead developing until ultimately they have the 106 spots or slots developed.

(3) The Western Mason County Water District has a three inch waterline through the property owned by the complainants and a six inch water line 188 feet from the property of complainants with a large new elevated storage tank within half a mile of the proposed mobile home park with a proposed connection by 12-inch\* Wherefore, complainant asks For a hearing in connection with  
(Specifically state the

this matter, that the said Western Mason County Water District be required to show cause or reason why they are unwilling to comply with the request of Porter for connection to the six inch relief desired.)

water line, for investigation by representatives of the Public Service Commission as to the truth and reasonableness of the request by the complainants and if necessary for a full hearing before the Board for consideration of the request by the complainants, and for any and all other orders proper in the premises, for the protection of the rights of the complainants and the duties of the Board of Western Mason County Water District in their obligation to provide water service.

Dated at Maysville, Kentucky, this 10 day  
(Your City)

of May, 1994.  
(Month)

Harold E. Porter  
Willa H. Porter  
(Your Signature)

John H. Clarke  
(Name and address of attorney, if any)  
John H. Clarke, Clarke and Clarke

\*Continued on attached sheet. P.O. Box 519, Maysville, Ky.  
Telephone: 606-564-5527

Formal Company

Harold and Willa Porter

VS Western Mason County Water District

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\*water line to the Maysville Utility System which will probably be developed within the next 12 months.

(4) Western Mason County Water District has been requested to permit a six inch connection to the six inch main 188 feet from the mobile home park and have refused, insisting that the system for the mobile home park be attached and connected to the three inch system, which is of asbestos transite material and is probably 40 years old for no apparent valid reason.

(5) The complainants are planning to spend a sum in excess of \$250,000.00 in connection with implementing the first 36 spots and with this substantial investment for the development of the Highland Heights Community, the complainants feel that the Board of Western Mason County Water District is being unreasonable and arbitrary in refusing to permit connection to the available six inch water line.

CCS-NBR:930176303 ENTRY DATE/TIME:18-NOV-1993 11:24:36.00 TYPE CONTACT:H  
NAME:PORTER,HAROLD WESTERN MASON COUNTY WATER  
ADR1:117 CREST AVE. UTIL-NUMBER:00032700  
ADR2:Ser.add.(546 AA highway)Mason County SERV:WA COMP:S1 CONFIDENTIAL:N  
CITY:FLEMINGSBURG STATE:KY ZIP:41041 CONTACTED UTIL?Y DISC.INITIAL CALL?N  
CNTY:FLEMING PRIORITY:N  
HOME PHONE:(606)845-8311 WORK:(606)849-2311 ACCT-NUMBER:  
DATA ENTRY OPERATOR:JG

**PRELIMINARY DESCRIPTION:**

DEVELOPING MOBILE HOME PARK, PLANNED FOR 140 LOTS, BUT WILL ONLY BE PUTTING IN 35 UNITS IN THE BEGINNING.MR. PORTER NEEDS A 6 INCH LINE ON THE PROPERTY TO SER-  
PROCESSOR NAME:GAY

PROCESSOR NAME: GAY CALL BACK DATE: 18-NOV-1993 14:52:45.00

**CALL BACK INFORMATION:**

ve that many units, he has a 3 inch line available now, but it would not be adequate. Applied in July and has been to several meetings w/board, but they tell him they do not have the capacity to provide a 6 inch line at this time. He says he is located about 190 foot from company's six in. line and not very far from water storage tank. Customer believes this to be a political thing, and not because of inadequate water supply.

UTIL. REPRESENTATIVE: DAVID FRENCH      CONTACT DATE: 19-NOV-1993

UTILITY RESPONSE:

Utility advised that they have a project going on now that will be serving 20 families, hopefully they will be able to supply enough water for the present. They are also looking to Maysville for additional water supply next year. They pumped 20 out of 24 hours to keep water flowing to this area now. They have been advised by their engineers that until they can obtain a larger supply of water it would not be advisable at this time to take on that many new customers. Later on they will be able to provide service. This information was given to Mr. Porter at the Nov meeting, also written reports and plans to obtain water from Maysville. Faxed copies to PSC regarding this matter.

STAFF NAME: CLAUDE RHORER STAFF BEGIN DATE: 24-NOV-1993 15:01:03.00 END DATE:

**STAFF REFERRAL:**

MEMO SENT TO CLAUDE RHORER 11/24/93 RE: DENYING SERVICE AT THIS TIME TO A MOBILE HOME PARK BEING DEVELOPED BY MR. HAROLD PORTER FROM WESTERN MASON COUNTY WATER.  
\*\*\*\*\*

FINAL NAME: GAY FINAL DATE: 17-DEC-1993 23:00:00.00

**FINAL DISPOSITION:**

Contacted Western Mason County Water(David French)regarding memo sent to Claude Rhorer(dated Dec 17) where advised that Western Mason would be required to serve Mr. Porter. Mr. French said he would pass information on to their Engr.Jerry Willett,Mr. Willett called back to say they could not give service to Mr. Porter and said he would file a deviation with the commission in order not to serve. Mike Newton (water section) talked with Mr. Willett and advised him they would have to serve.Tried to reach customer to advised him,that he should be able to

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FINAL NAME: GAY

FINAL DATE: 17-DEC-1993 23:00:00.00

FINAL DISPOSITION:

signed from the water company, but they refuse to give him one. I advised him  
that he could file a formal complaint. He asked that I mail him the forms. CLOSED  
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